

Amendment No. 2 to HB0671

**McDonald
Signature of Sponsor**

AMEND Senate Bill No. 458*

House Bill No. 671

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-50-502, is amended by adding the following language as new subsection (j)

(j)

(1) Any person whose license has been suspended for having been convicted of a driving offense and for the subsequent failure to pay a fine or cost imposed for that offense pursuant to subdivision (a)(8) may apply to the court wherein the person was convicted for the issuance of a restricted license. Such court shall order the person whose license has been suspended to make payments to the court during the period of restricted license as a condition of receiving the restricted license in an amount reasonably calculated to fully pay the monies owing the court during the period of the restricted license, including authorization of payment of the fine by installments as authorized in § 40-24-101. Failure to timely make the payments as ordered by the court shall result in the suspension of the restricted license. Any person whose driver license or permit is revoked, suspended or cancelled for any reason other than § 55-50-502(a)(8) shall not be eligible for, nor shall the court have any authority to order the issuance of such restricted license pursuant to this subsection. Such restricted license shall be valid only for the purpose of going to and from work at such person's regular place of employment. The judge shall have the authority to issue a restricted driver license under the provisions of this subsection only one time per violator.

(2) The judge shall order the issuance of a restricted license, if based upon the records of the department of safety:

(A) The department suspended the person's license as a result of the person's conviction of any driving offense in any court and for the person's failure to pay or secure any fine or costs imposed for that offense; and

(B) The violation resulting in the person's present conviction was not for driving under the influence of an intoxicant, or for refusal to submit to a blood test under § 55-10-406; and

(C) The person does not have a prior conviction for a violation of § 39-13-106, § 39-13-213(a)(2), or § 39-13-218 in this state, or a similar offense in another state; and

(D) The person does not have a prior conviction for a violation of § 55-10-401 or § 55-10-418 within ten (10) years of the present violation, in this state or a similar offense in another state.

(3) Such order shall state with all practicable specificity the necessary times and places of permissible operation of a motor vehicle. The person so arrested may obtain a certified copy of the order and, within ten (10) days after the order is issued, present it, together with an application fee of sixty-five dollars (\$65.00), to the department, which shall forthwith issue a restricted license embodying the limitations imposed in the order. After proper application and until such time as the restricted license is issued, a certified copy of the order may serve in lieu of a motor vehicle operator's license.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.